

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6495 of 1997

with

SPECIAL CIVIL APPLICATION No 6496 of 1997

For Approval and Signature:

Hon'ble THE ACTING CJ R.A.MEHTA and
MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

COSMIC INDUSTRIES LIMITED

Versus

UNION OF INDIA

Appearance:

MR PARESH M DAVE for Petitioners
MR H.M. MEHTA learned Sr. Standing Counsel with
MS AVANI S MEHTA for Respondents.

CORAM : THE ACTING CJ R.A.MEHTA and
MR.JUSTICE N.N.MATHUR

Date of decision: 15/09/97

ORAL JUDGEMENT(Per R.A.Mehta, Actg. CJ)

Rule. Ms Avani Mehta, learned Additional Central

Government Standing Counsel waives service of rule. Mr H.M.Mehta, learned Senior Standing Counsel appears with Ms Avani Mehta for the respondents.

2. In both these matters, against the orders in original, the petitioners have preferred appeals to the Appellate Authority long ago along with stay applications. However, stay applications have not been dealt with so far by the Appellate Authority and meanwhile coercive recovery is being enforced.

3. In similar situation in the case of D.C.W. & ors. v. Commissioner of (Appeals) & ors. reported in 38(2) GLR 913 it is held that such stay applications must be decided expeditiously preferably within one month.

4. Therefore, it is directed that the Appellate Authority shall hear and decide the stay applications expeditiously and preferably within one month from today. Till then, coercive recovery shall not be effected. The Appellate Authority shall decide the stay applications in accordance with law and without being influenced by this order.

5. In view of the aforesaid directions and the effective alternative remedy, these petitions are not required to be entertained and are, therefore, dismissed. Rule discharged subject to the aforesaid directions with no order as to costs.

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(vjn)